



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 27, 1998

Mr. Steven Myers  
Superintendent  
Louise Independent School District  
P.O. Box 97  
Louise, Texas 77455

OR98-2049

Dear Superintendent Myers:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118198.

The Louise Independent School District (the "district") received a request for information concerning the settlement agreement between the district and Mr. Walter Snider and information pertaining to the applicants for the position of secondary principal. You ask whether the settlement agreement is excepted from public disclosure by sections 552.101 and 552.102 of the Government Code. We assume that you have released the remaining requested information to the requestor.

Section 552.102 excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Gov't Code § 552.102(a). In *Hubert v. Harte-Hanks Texas Newspapers*, 652 S.W.2d 546 (Tex. App.--Austin 1983, writ ref'd n.r.e.), the court ruled that the test to be applied to information claimed to be protected under section 552.102 is the same as the test formulated by the Texas Supreme Court in *Industrial Foundation* for information claimed to be protected under the doctrine of common-law privacy as incorporated by section 552.101 of the Government Code.<sup>1</sup> *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U.S. 931 (1977). Common-law privacy excepts from disclosure private facts about an individual. *Id.* Therefore, information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would

---

<sup>1</sup>Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

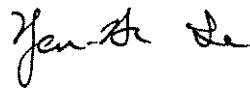
be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 (1992) at 1.

After reviewing the settlement agreement, we conclude that it is not highly intimate and embarrassing and that there is a legitimate public interest in the expenditure of public funds to settle the employment dispute. Accordingly, the settlement agreement is not excepted from public disclosure by common-law privacy as encompassed by sections 552.101 and 552.102.

Section 552.101 also excepts from disclosure information considered to be confidential by law. You have not cited to a statute or other provision, nor are we aware of one, that makes the settlement agreement confidential. Thus, you must release the settlement agreement.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 118198

Enclosures: Submitted documents

cc: Mr. Christopher F. Barbee  
Managing Editor  
El Campo Leader-News  
P.O. Box 1180  
El Campo, Texas 77437-1180  
(w/o enclosures)